

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SMARTPHONE TECHNOLOGIES LLC, §
§
Plaintiff, § CIVIL ACTION NO. 6:11-cv-530
§
v. § JURY TRIAL DEMANDED
§
AMAZON.COM, INC. and AMAZON §
DIGITAL SERVICES, INC., §
§
Defendants. §

**AGREED MOTION TO DISMISS DEFENDANTS AMAZON.COM, INC. AND
AMAZON DIGITAL SERVICES, INC. WITH PREJUDICE**

Plaintiff Smartphone Technologies LLC (“Plaintiff”) and Defendants Amazon.com, Inc. and Amazon Digital Services, Inc. (collectively “Amazon”) have resolved any and all disputes between them related to the above-entitled and numbered case and have agreed to dismiss with prejudice the claims, causes of action, counterclaims, and defenses between them.

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and (c), Plaintiff and Amazon mutually stipulate to the dismissal with prejudice of all claims and causes of action asserted by and between them. The parties shall bear their own costs, expenses, and attorney’s fees. A proposed order is attached.

Dated: January 3, 2012.

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of January, 2012, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Edward R. Nelson, III